FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.334 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.E.N.Shaikh for the Petitioner.
Mr.A.S.Shitole, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 23/2/2006.

P.C.

1. This is a petition challenging an order, passed by the 1st Adhoc Addl.Sessions Judge, Nashik dated 2.6.2005 and 30.1.2006 rejecting applications filed by the petitioner for leading additional evidence under Section 391 of the Code of Criminal Procedure. The applicant was convicted by the Trial court for offence punishable under Section 353 and 504 of the I.P.C. He had voluntarily caused hurt to the police constable by name Malode while he was doing public duty. At the time of trial, no defence of insanity was taken. After filing of the appeal two applications were made seeking to lead evidence to indicate

that the petitioner was insane on the date of the incident. Two medical certificates have been relied upon in this regard and which are said to be part of one of the application. The first Medical certificate dated 16.8.2005 issued by Dr.B.S.V. Prasad only certifies that the petitioner is suffering from bipolar mind disorder. There is no mention in this certificate that the applicant was suffering from any such disease on or about 12.7.1999. The second certificate is issued by Dr. Umesh Nagapurkar on 17.8.2005 which certifies that the petitioner and his wife attended his OPD on 13.9.1998 and he had symptoms of bipolar mind disorder. This certificate pertains to the year 2005 i.e. after the period of 5 years of the incident. There is no material on record indicating that in or about 12.7.1999 the applicant was legally insane. In the circumstances, reasoned order given by the trial court cannot be faulted. Hence, petition is dismissed.

(R.S.MOHITE, J.)